

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

09/980972

Atty's Docket No: 101195-66

Examiner :

Group Art Unit

Applicant : Karsten Brand et al.

Appln. No. : 09/980,972

Filed : Oct. 29, 2001

For : Agent for Gene Therapy and for the Prevention of
Metastases, as Well as for the Gene Therapy of TumorsINFORMATION DISCLOSURE STATEMENTHon. Assistant Commissioner of Patents
Washington, D.C. 20231

Dear Sir:

The following sections are being submitted for this Information

Disclosure Statement:

- Sec. 1 - Preliminary Statements
- Sec. 2 - Identification of Time of Filing
- Sec. 4 - Statements with Respect to Listing of Information
- Sec. 5 - Statements with Respect to Translations of Non-
English Information
- Sec. 6 - Statements with Respect to Copies of Listed
Information Items Accompanying This Statement
- Sec. 8 - Concise Explanation of Listed Information Items

Section 1
Preliminary Statements

Applicants submit herewith patents, publications or other information of which they are aware, which they believe may be material to the examination of this application and in respect of which there may be a duty to disclose in accordance with 37 CFR 1.56.

While this Information Disclosure Statement may be "material" pursuant to 37 CFR 1.56 it is not intended to constitute an admission that any patent, publication or other information referred to therein is "prior art" for this invention unless specifically designated as such.

In accordance with 37 CFR 1.97(b) the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made or that no other material information as defined in 37 CFR 1.56(a) exists.

Section 2
Identification of Time of Filing

This Information Disclosure Statement is filed before the issuance of the first office action.

The art was cited in the specification of the present application.

Section 4
Statements with Respect to Listing of Information

A list of the publications is set forth on the attached 2 pages of Form PTO-1449 (modified).

Section 5
Statements with Respect to Translations of
Non-English Information

No English language translations of the foreign language publication or information or parts thereof are readily available.

Section 6
Statements with Respect to Copies of Listed Information
Items Accompanying This Statement

A copy of each of the items on PTO-1449 (modified) is supplied herewith.

Section 8
Concise Explanation of Listed Information Items

A concise explanation of the items listed on PTO-1449 (modified) is not given /given for only some listed item(s) /given for each listed item.

Molekulare Grundlagen des Gentransfers und Anwendung für die
Gentherapie

This handbook is discussed in the present specification on pages 3 and 4. "As a vector for the gene transfer, first-generation adenoviruses, which are amongst the most established gene transfer systems, are used. These vectors, which cannot replicate due to the lack of the adenoviral E1 gene, infect epithelial cells with high

efficiency and can also be generated in the large quantities necessary."

Respectfully Submitted,



Bruce S. Londa (33,531)
Attorney for Applicant
Norris, McLaughlin & Marcus P.A.
220 East 42nd Street, 30th Floor
New York, N.Y. 10017
Telephone: 212-808-0700
Facsimile: 212-808-0844

LIST OF PATENTS AND PUBLICATIONS
APPLICANT'S INFORMATION
DISCLOSURE STATEMENT
 (Form PTO-1449 Modified)

Attorney Docket:
101195-66

Serial No.
09/980,972

Applicant:
Karsten Brand et al.

Filing Date:
Oct. 29, 2001

Group:

U.S. PATENT DOCUMENTS

Examiner's Initial		Document Number	Date	Name	Class	Sub Class	Filing Date If appropriate
	AA						
	AB						
	AC						
	AD						
	AE						
	AF						
	AG						
	AH						
	AI						
	AJ						
	AK						

FOREIGN PATENT DOCUMENTS

		Document Number	Date	Country	Class	Sub Class	Translation Yes No
	AL						
	AM						
	AN						
	AO						
	AP						

OTHER PRIOR ART (Including Author, Title, Date, Pertinent Pages, Etc.)

	AR ✓	M. Duffy et al.; Matrix Metalloproteinases in Cancer: Prognostic Markers and Targets for Therapy (Review) International Journal of Oncology 12: 1998; pgs. 1343-1348
	AS ✓	N. Nelson; Inhibitors of Angiogenesis Enter Phase III Testing; Journal of National Cancer Institute; 1998 Vol. 90, No. 13; pgs. 960-963
	AT ✓	Y. Yang et al.; Cellular Immunity to Viral Antigens Limits E1-deleted Adenoviruses for Gene Therapy; Proc. Natl. Acad. Sci. USA Vol. 91 May 1994; pgs. 4407-4411

EXAMINER:

DATE CONSIDERED:

- **EXAMINER:** Initial if Reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered, include copy of this form with next communication to applicant.
-

LIST OF PATENTS AND PUBLICATIONS APPLICANT'S INFORMATION DISCLOSURE STATEMENT (Form PTO-1449 Modified)	Attorney Docket:	Serial No.
	101195-66	09/980,972
	Applicant:	
	Karsten Brand et al.	
	Filing Date:	Group:
	Oct. 29, 2001	

U.S. PATENT DOCUMENTS

Examiner's Initial		Document Number	Date	Name	Class	Sub Class	Filing Date If appropriate
	AA						
	AB						
	AC						
	AD						
	AE						
	AF						
	AG						
	AH						
	AI						
	AJ						
	AK						

FOREIGN PATENT DOCUMENTS

		Document Number	Date	Country	Class	Sub Class	Translation Yes No	
	AL							
	AM							
	AN							
	AO							
	AP							

OTHER PRIOR ART (Including Author, Title, Date, Pertinent Pages, Etc.)

	AR ✓	H. Chen et al.; Persistence in Muscle of an Adenoviral Vector that Lacks all Viral Genes; Proc.Natl.Acad. Sci. USA; Vol. 94; March 1997; pgs. 1645-1650
	AS ✓	A.Baker et al.; Development of Recombinant Adenoviruses that Drive High Level Expression of the Human Metalloproteinase-9 and Tissue Inhibitor of Metalloproteinase-1 and 2-Genes: Characterization of Their Infection into Rabbit Smooth Muscle Cells and Human MCF-7 Adenocarcinoma Cells; Matrix Biology, Vol. 15, 1996; pgs. 383-395
	AT ✓	J.Drebin et al.; Cancer of the Lower Gastrointestinal Tract - Colon Cancer; Current Therapy in Oncology, St. Louis, MO: Decker, 1993; pgs. 426-431

EXAMINER:

DATE CONSIDERED:

- **EXAMINER:** Initial if Reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformation and not considered, include copy of this form with next communication to applicant.
-

LIST OF PATENTS AND PUBLICATIONS APPLICANT'S INFORMATION DISCLOSURE STATEMENT (Form PTO-1449 Modified)	Attorney Docket:	Serial No.
	101195-66	09/980,972
	Applicant: Karsten Brand et al.	
	Filing Date:	Group:
	Oct. 29, 2001	

U.S. PATENT DOCUMENTS

Examiner's Initial		Document Number	Date	Name	Class	Sub Class	Filing Date If appropriate
	AA						
	AB						
	AC						
	AD						
	AE						
	AF						
	AG						
	AH						
	AI						
	AJ						
	AK						

FOREIGN PATENT DOCUMENTS

		Document Number	Date	Country	Class	Sub Class	Translation Yes No	
	AL							
	AM							
	AN							
	AO							
	AP							

OTHER PRIOR ART (Including Author, Title, Date, Pertinent Pages, Etc.)

	AR	Karsten Brand et al.; Molekulare Grundlagendes Gentransfers und Anwendung für die Gentherapie; Handbuch der Molekularen Medizin, Band 2 Tumorerkrankungen; 1998
	AS	
	AT	

EXAMINER:

DATE CONSIDERED:

- **EXAMINER:** Initial if Reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformation and not considered, include copy of this form with next communication to applicant.
-